

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ARNOLD TARLING,

Plaintiff,

v.

ACCENTURE LLP,

Defendant.

Case No. 05 CV 1548

Judge JONES

ORDER OF DISMISSAL AND APPROVING SETTLEMENT

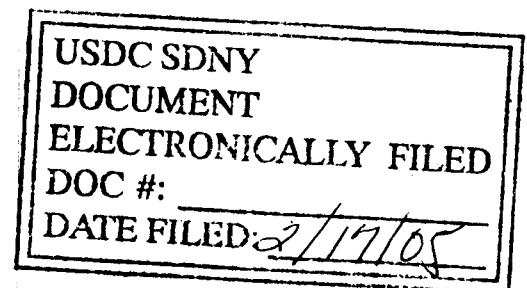
THIS CAUSE having come before the court on the Joint Motion for Approval of Settlement and Stipulation of Dismissal with Prejudice as to Plaintiff's Complaint, such stipulation including the parties' Settlement Agreement and Complete Waiver/Release, and due cause appearing therefor, it is hereby:

ORDERED AND ADJUDGED as follows:

1. This Court hereby accepts and approves the proposed settlement and holds that the proposed settlement submitted by the parties is a fair and reasonable settlement of a bona fide dispute over the provisions of the Fair Labor Standards Act and the California Labor Code; and
2. The above cause be and the same is hereby **DISMISSED WITH PREJUDICE** to the Plaintiff; each party to bear their own attorneys' fees and costs. All pending motions are denied as moot. This Court shall retain jurisdiction to enforce the parties' settlement agreement. **THIS CASE IS CLOSED.**

DONE AND ORDERED this 16th day of February 2005.

Barbara L. Jones
United States District Judge



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ARNOLD TARLING,

Plaintiff,

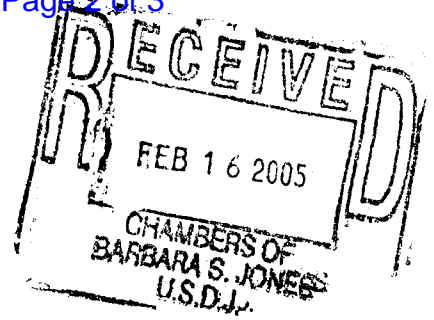
v.

ACCENTURE LLP,

Defendant.

Case No. 05 CV 1548

Judge Jones

**JOINT MOTION FOR APPROVAL OF SETTLEMENT AGREEMENT
AND STIPULATION OF DISMISSAL WITH PREJUDICE**

Plaintiff Arnold Tarling and Defendant Accenture LLP, by their respective undersigned counsel, move this Court to review the parties' Settlement Agreement and Complete Waiver/Release and for an order approving the Agreement as fair and reasonable. In support of this Motion, the parties state:

1. Plaintiff claims alleged unpaid overtime under Section 207 of the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 207, and the California Labor Code.
2. Defendant contends that Plaintiff was not entitled to the claimed overtime.
3. Plaintiff and Defendant are each represented by their respective counsel.
4. In an effort to reach a compromise and to avoid the expense and burden of litigation, the parties have reached a settlement of all claims asserted in the pending action (*i.e.*, the FLSA and the California Labor Code claims). The terms of that settlement are embodied in the attached Agreement.
5. The Agreement is expressly contingent upon the Court's review and approval of it and issuance of an order approving the Agreement as fair and reasonable.
6. The parties, pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, and based upon the attached Settlement Agreement and Complete Waiver/Release, hereby

stipulate to the dismissal of this case with prejudice. The parties agree to bear their own attorney's fees and costs. The parties request that the Court retain jurisdiction to enforce the terms of the Agreement.

WHEREFORE, the parties request that the Court review the Agreement and issue an order approving it as fair and reasonable and that this case be stipulated dismissed with prejudice. A proposed order is attached hereto.

Dated this 14th day of January 2005.

Respectfully submitted,

ARNOLD TARLING

By Charles Joseph
One of His Attorneys

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ACCENTURE LLP

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